

REMARKS

This is in response to the office action mailed June 9, 2005.

Claims 23 to 28 are currently under examination. Claims 23 and 27 are amended herewith and no new matter has been introduced by the amendments. Claims 24 to 26 and 28 are in the form as originally filed.

Claims 23 to 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With respect to the term "near" in claim 23, this has been replaced with "adjacent". The Examiner states that "three apertures" in claim 24 is a double inclusion of "plurality of apertures" in claim 23. Applicant disagrees with this finding. A "plurality of apertures" means more than one aperture; this could include any number of apertures, other than a single aperture. The term "three apertures" is a specific embodiment of a "plurality of apertures" and, while falling within its scope, is not a "double inclusion". Withdrawal of the rejection on this ground is therefore respectfully requested.

Claims 23 to 28 are rejected under 35 U.S.C. 102(b) as being

anticipated by Pougnet. The Examiner states that Pougnet discloses a nozzle comprising a water channel b; a water deflector a; a deflector (vanes of pipe b) associated with the middle aperture and a deflector (vanes of pipe b) associated with the lower aperture.

In the amended claims, claim 23 has been amended to recite that the nozzle has a wall and that the apertures comprising the water deflectors are formed in the wall of the nozzle. Pougnet shows no such structure, as will be described briefly below.

Further, claim 27 has been clarified to recite that a "further" deflector is defined to distinguish this "further deflector" from the "water deflector" recited in claim 23.

Considering now the disclosure in Pougnet, the nozzles are in fact "a". These nozzles "a" do not deflect and are not "deflectors", as stated by the Examiner, in the sense of Applicant's claim. Pougnet clearly identifies the components "a" as being nozzles (see for example page 1 at lines 65 to 66 of Pougnet) and the Examiner is therefore incorrect in identifying these components as "deflectors". In essence, Pougnet discloses a watering apparatus comprising a pipe and nozzles leading from the pipe. The Examiner's unsupported interpretation of the Pougnet

description and drawings is based on hindsight for the sole purpose of creating a blueprint to reject Applicant's claims. Applicant's single nozzle has three apertures comprising a water deflector while Pougnet has a pipe and three (or some other number of) nozzles.

The Examiner also interprets the deflectors of the middle and lower apertures as being equivalent "vanes of pipe b" in Pougnet. First, Applicant has no idea where the "vanes in pipe b" are in the Pougnet patent. The Pougnet patent itself does appear to make any reference to "vanes" at all. Second, a review of the Pougnet patent fails to reveal the presence of vanes. A "vane" is generally defined as a thin object that rotates about an axis. Certainly nothing of this description manifests itself in the Pougnet patent. Third, there are no vanes in the claimed invention. As such, Applicant submits that the Examiner's findings on this issue are unsupported and irrelevant and withdrawal thereof is requested.

Applicant respectfully submits that the amended claims clearly define patentable subject matter over the Pougnet disclosure. Pougnet, at the least, fails to disclose or even suggest the structure of a nozzle defined by a wall and having water deflectors formed in the wall.

Moreover, Pougnet fails to disclose or suggest the "further deflector" as recited in claim 27.

Other features and elements of the invention as set forth in the various claims also define patentable subject matter.

In view of the claim amendments to the claims and the technical discussion presented herein, favorable reconsideration of the claims and allowance of the application is respectfully requested.

If anything further is required, the Examiner is invited to contact the undersigned at telephone number (818)710-2788.

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Please acknowledge safe receipt hereof by signing and returning the enclosed return postcard.

Respectfully submitted,



Colin P. Abrahams (Reg. No. 32,393)  
Attorney for Applicant  
5850 Canoga Avenue, Suite 400  
Woodland Hills, California 91367  
Tel (818) 710-2788 Fax (818) 710-2798

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Colin P. Abrahams